

**REMARKS**

By this amendment, claim 1 has been amended. Claim 23 has been cancelled.

**I. Summary of Office Action**

- a.** Claims 1-2, 7-9, 12-15, 17-19, 31, and 44-46 and 48-49 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Ahlstrand (US 2003/0149162).
- b.** Claims 5 and 22 stand rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Sakamoto et al. (U.S. 5,345,926).
- c.** Claims 6, 10, 26-30 and 34-36 and 50-53 stand rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Van Dun et al. (U.S. 7,129,296).
- d.** Claim 11 is rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand.
- e.** Claims 16, 20-21, and 38 are rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Myhre (US 2006/0014897)
- f.** Claim 32 is rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Garoff et al. (U.S. 5,770,540).
- g.** Claim 33 is rejected 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Casey et al. (U.S. 6,110,552).

**II. Response to Office Action**

- a.** **Claims 1-2, 7-9, 12-15, 17-19, 31, and 44-46 and 48-49 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Ahlstrand (US 2003/0149162).**  
The Examiner has not explained, in the April 28, 2010 Office Action, how this rejection applies to claims 44-46 and 48-49. The Examiner now contends that the Ahlstrand reference (U.S. Publication 2002/0149162) anticipates the claims. She refers to paragraphs [0018], [0019] and [0029] of Ahlstrand, and alleges that the disclosure of a low molecular weight polyethylene having a weight average molecular weight of 5000-50000 in Ahlstrand reads on the wax limitation of claim 1 et seq.

This rejection is respectfully traversed. By this amendment, claim 1 has been amended to recite that the composition further comprises a polyolefin (1) as a second

polymer (A), wherein the polyolefin (1) is a linear low density polyethylene (LLDPE). Claim 23 has been cancelled as a result of this amendment. Ahlstrand does not disclose such a composition.

Withdrawal of this rejection is respectfully requested.

**b. Claims 5 and 22 stand rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Sakamoto et al. (U.S. 5,346,926).** The Examiner contends that Ahlstrand is silent additional polyolefin to be used but that Sakamoto et al. disclose use of 1 part by weight of a polyethylene wax having an average molecular weight of 2800 to improve compatibility of the mixture (Example 1). The Examiner contends that such a benefit would have been obvious to one of ordinary skill in the art, thus providing the motivation to use a polyethylene wax.

It is believed the Examiner intended to include claim 4 and not claim 5 in the rejection, as claim 4 recites the nature of the wax and not claim 5.

This rejection is respectfully traversed because of the amendment to claim 1. Because the combination of Ahlstrand and Sakamoto does not teach or suggest the presently claimed polymer composition, withdrawal of this rejection is respectfully requested.

**c. Claims 6, 10, 26-30 and 34-36 and 50-53 stand rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Van Dun et al. (U.S. 7,129,296).** The Examiner contends that, although Ahlstrand is silent on the density of the lower molecular weight polymer, Van Dun discloses a polymer composition having a low molecular weight ethylene component having a density of lower than 945 g/m<sup>3</sup>.

This rejection is respectfully traversed. This rejection is respectfully traversed because of the amendment to claim 1. Because the combination of Ahlstrand and Van Dun does not teach or suggest the presently claimed polymer composition, withdrawal of this rejection is respectfully requested.

**d. Claim 11 is rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand.** The Examiner contends that, although Ahlstrand does not disclose the amount of filler, such amounts are routine optimizations where the amount is a result-effective variable.

This rejection is respectfully traversed because of the amendment to claim 1. Because Ahlstrand does not teach or suggest the presently claimed polymer composition, withdrawal of this rejection is respectfully requested.

**e. Claims 16, 20-21 and 38 are rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Myhre (US 2006/0014897).**

It is difficult to understand how claim 38 is rejected while claim 36, on which 38 depends, is not rejected. If claim 36 is not obvious, neither is claim 38. The Examiner's rejections are replete with numbering errors making it difficult for Applicant's to discern the rejections.

This rejection is respectfully traversed. This rejection is respectfully traversed because of the amendment to claim 1. Because the combination of Ahlstrand and Myhre does not teach or suggest the presently claimed polymer composition, withdrawal of this rejection is respectfully requested.

Applicant also refers the Examiner's attention to the previous response filed August 27, 2009 for arguments why a skilled artisan would not have had any reason to combine Ahlstrand, which discloses a polymer for use in **water and gas transmission** pipes, with that of Myhre, who discloses polymers for use in **breathable films** that permit vapor and gas transmission. The references are inapposite. Moreover, one of ordinary skill in the art would not have looked to Myhre when seeking a filler composition and amount because the present invention discloses polymers for use to produce films **with reduced water vapor transmission**. This is directly contrary to what is taught by Myhre in paragraphs [0031] and [0040], where Myhre states:

**Very high water vapour transmission rates** can be reached [with the films prepared by the disclosed polymer compositions]. [0031; emphasis added].

and

It is the present understanding that when the composition is extruded to a film, and the film is stretched, micropores are formed adjacent to the filler particles. These micropores **allow the passage of gasses and vapors through the film**. [0040; emphasis added].

Thus, Myhre clearly teaches away from the presently claimed polymer composition and this rejection should never have been made.

**f. Claim 32 is rejected under 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Garoff et al. (U.S. 5,770,540).** The Examiner contends that Ahlstrand does not disclose the specific process recited in claim 32, but Garoff discloses a high activity procatalyst as claimed, which has high activity for the production of ethylene polymers.

This rejection is respectfully traversed because of the amendment to claim 1. Because the combination of Ahlstrand and Garoff does not teach or suggest the presently claimed polymer composition, withdrawal of this rejection is respectfully requested.

**g. Claim 33 is rejected 35 U.S.C. §103 as allegedly obvious over Ahlstrand, in view of Casey et al. (U.S. 6,110,552).** The Examiner contends that, while Ahlstrand is silent on the specific film coating line to be used, Casey discloses a composite release liner comprising a paper substrate and a polymer base layer applied on the substrate to make a multilayer material for pressure sensitive adhesive labels.

This rejection is respectfully traversed. This rejection is respectfully traversed because of the amendment to claim 1. Because the combination of Ahlstrand and Casey does not teach or suggest the presently claimed polymer composition, withdrawal of this rejection is respectfully requested.

Moreover, as previously stated, it is unclear how the disclosure of a **release liner** for use adhesive labels, can render obvious a claim reciting a process for coating films using a **film coating line**, which is a **machine** for coating films. It is clear that the Examiner did not carefully read the references and is merely improperly selectively culling elements from random prior art references.

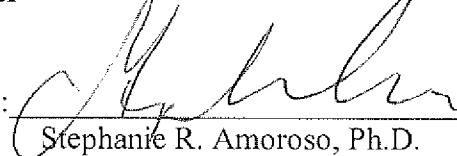
### III. Conclusion

In view of the foregoing, withdrawal of the rejections of record and allowance of the claims is respectfully requested. If the Examiner wishes to discuss this case further, she may contact the undersigned at 202-835-7589.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 13-3250, reference No. 37488.01300US. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY  
LLP

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